SIKKIM

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HIGH COURT OF SIKKIM
GANGTOK

No. 40/HCS **Date: 14.11.2025**

NOTIFICATION

In exercise of the powers conferred by section 34(1) read with section 16(2) of the Advocates Act, 1961 and in accordance with the Guidelines laid down by the Hon'ble Supreme Court of India in its Judgment dated 12.10.2017 in Writ Petition (C) No. 454 of 2015, Ms. Indira Jaisingh v. Supreme Court of India through Secretary General & Ors., subsequently modified vide its Order dated 04.05.2022 and Judgment dated 12.05.2023 passed in the same matter; and its observations made in the Judgment dated 13.05.2025 rendered in Criminal Appeal No. 865 of 2025, Jitender @ Kalla v. State (Govt. of NCT of Delhi) & Anr., the High Court of Sikkim frames the following rules further to amend the Sikkim High Court (Designation of Senior Advocates) Rules, 2019, namely:-

[1] (i) These Rules shall be called the "High Court of Sikkim (Designation of Senior Advocates) (Amendment) Rules, 2025."

(ii) These Rules shall come into force from the date of publication in the Government Gazette.

Amendment of Rule[2]

[2] (i) In Rule [2] of the High Court of Sikkim (Designation of Senior Advocates) Rules, 2019, the existing sub-rule (b) shall be substituted with the following:-

"(b) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961."

(ii) The existing sub-rule (c) of Rule [2] shall stand omitted and the existing sub-rule (d) shall be renumbered as sub-rule (c).

(iii) The following new sub-rule (d) shall be inserted in Rule [2]:-

"(d) *"Full Court" means the Full Court of High Court of Sikkim as may be convened by the Chief Justice from time to time."*

(iv) Further, the existing sub-rule (f) of Rule [2] shall be substituted with the following:-

"(f) *"Permanent Secretariat" means the Secretariat constituted under rule 4(ii) of these rules to assist the Full Court of the High Court."*

Amendment of Rule[3]

[3] In Explanation to Rule [3], the words "Chief Justices/" shall be inserted after the words "credit and retired" and before the words "High Court Judges" appearing therein.

Amendment of Rule[4]

[4] In Rule [4], sub-rules (i) to (xiv) shall be substituted with the following:-

(i) The decision to confer designation of Senior Advocate shall be of the Full Court of the High Court of Sikkim and all matters relating to designation of Senior Advocate shall be dealt with by the Full Court.

(ii) There shall be a Permanent Secretariat to assist the Full Court in matters relating to designation of Senior Advocate, the composition and framework of which shall be as decided by the Chief Justice from time to time.

(iii) If the Full Court is of the opinion that an Advocate residing and/ or ordinarily practicing before the High Court of Sikkim or District Courts under its jurisdiction or in any Specialized Tribunal(s), by virtue of his ability, standing at the Bar or special knowledge or experience in law, character, integrity and honesty is deserving of such distinction so as to be designated as a Senior Advocate, it may consider conferring designation of Senior Advocate on such Advocate.

(iv) An Advocate desirous and seeking conferment of distinction as Senior Advocate may also submit an application in that regard in the prescribed format to the Permanent Secretariat.

(v) On receipt of directions from the Full Court with regard to conferring of designation of Senior Advocate on an Advocate or an application from an Advocate seeking distinction as Senior Advocate, the Permanent Secretariat shall compile the relevant data and information with regard to the standing at the Bar, ability, reputation, conduct, integrity of the Advocate/s concerned including his/her participation in *pro bono* matters and such other factors including income to be assessed in the manner as prescribed by the Chief Justice, as may be considered relevant for the purpose of conferment of designation of Senior Advocate.

(vi) The Permanent Secretariat shall publish the proposal for designation of a particular Advocate as Senior Advocate in the official website of the High Court and the District Courts under its jurisdiction, inviting suggestions/views, if any, of the members of the Bar and other stakeholders in the proposed designation within fifteen(15) days or such time as may be ordered by the Chief Justice from the date of its publication in the website. The suggestions/views shall be in writing and shall bear the name

and full address of the sender. It shall be addressed to the Registrar General of High Court who shall place it before the Permanent Secretariat for such action as may be considered and ordered by the Chief Justice.

(vii) With the approval of the Chief Justice, the Permanent Secretariat shall place the matter pertaining to Senior designation of an Advocate before the Full Court for consideration.

(viii) Voting by secret ballot may not normally be resorted to by the Full Court except when it is unavoidable and for reasons to be recorded. It shall not be the rule but clearly an exception. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their choice.

(ix) The Permanent Secretariat shall meet at least once in a calendar year.

(x) The exercise to designate Senior Advocate may be carried out at least once in every calendar year.

(xi) All cases that may not be favourably considered by the Full Court may be reviewed/reconsidered after expiry of a period of two years following the manner indicated above as if the proposal is being considered afresh.

(xii) All those cases which are deferred by the Full Court for being designated as Senior Advocate shall be considered after completion of one year from the date of deferment.

(xiii) In the event a Senior Advocate is guilty of conduct which accordingly to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision to designate the concerned person and recall the designation conferred earlier.

Amendment of Rule[6]

[5] In Rule [6], after the words "High Court of Sikkim Designation of Senior Advocates Rules, 2009" and before the words "repealed", the words "and High Court of Sikkim (Designation of Senior Advocates) (Amendment) Rules, 2023 hereby stand" shall be inserted.

BY ORDER OF THE,
HON'BLE CHIEF JUSTICE

Prajwal Khatiwada
REGISTRAR GENERAL